

Supreme Court of the United States

Phillip O'Briant v. Ellen L. Hollander, U.S. Judge.
Petitioner Respondent

Case No:

FILED _____ ENTERED _____
LODGED _____ RECEIVED _____

MAR 04 2019

Writ of Mandamus

FILED MAR 04 2019
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY _____ DEPUTY

The propriety of entertaining a petition for writ of mandamus in the federal system is, of course, well defined. It may be invoked only where three elements co-exist: (1) the petitioner has shown a clear right to the relief sought; (2) the respondent has a clear duty to do the particular act requested by the petitioner; and (3) no other adequate remedy is available. *Green v. Heckler*, 742 F.2d 237, 241 (5th Cir. 1984); *Jones v. Alexander*, 609 F.2d 778, 781 (5th Cir.) cert. denied, 449 U.S. 832, 101 S.Ct. 100, 66 L.Ed.2d 37 (1980).

Questions Presented

(1) Does petitioner have a clear legal right to summary judgement?